

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: YAGI et al
Serial No.: 10/511,184
Filed: October 14, 2004
For: Intracavitary Ultrasound Probe
Art Unit: 3737
Examiner: E. Chao
Conf. No.: 1948

LETTER

Mail Stop: Amendment (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 3, 2009

Sir:

Applicants note that a Substitute Amendment which cancels rejected claims rewrites allowed claims 12 - 14, as indicated in the Advisory Action dated August 20, 2009, in independent form was filed September 2, 2009. Thus, the application should now be in condition for allowance.

However, since today is the end of the statutory period for response, to avoid question of abandonment of this application, applicants request that this paper be considered as a Notice of Appeal, if deemed unnecessary, and applicants appeal the final rejection of claims 1 - 11 as set forth in the final Office Action of March 3, 2009 and authorize charging of the appeal fee, if deemed necessary, to the deposit account indicated below, and request that any charging of fees be held in abeyance pending the Examiner's action on the Substitute Amendment filed September 2, 2009.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 529.44217X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Melvin Kraus/

Melvin Kraus

Registration No. 22,466

MK/jla
(703) 312-6600